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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis A. Carson et al.

Title: THIAZOLOPYRIMIDINES USEFUL AS TNF ALPHA INHIBITORS

Docket No.: 103.009US1

Serial No.: 09/313,048

Filed: May 17, 1999

Due Date: September 27, 2004

Examiner: Mark L Berch

Group Art Unit: 1624

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Application for Patent Term Adjustment Under 37 CFR 1.705(b) (1 Page).
- ☒ Statement of Facts Under 37 CFR 1.705(b)(2) in Support of Application for Patent Term Adjustment (2 pgs.).
- ☒ A check in the amount of \$200.00 to cover the required fee.

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

By: Monique M. Perdok Shonka
Atty: Monique M. Perdok Shonka
Reg. No. 42,989

"Express Mail" mailing label number: EV 495 050 592 US

Date of Deposit: September 27, 2004

This paper or fee is being deposited on the date indicated above with the United States Postal Service pursuant to 37 CFR 1.10, and is addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)



S/N 09/313048

PATENT

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Applicant:	Dennis A. Carson et al.	Examiner:	Mark Berch
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Filed:	May 17, 1999	Docket No:	103.009US1
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APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby apply for an adjustment of the patent term due to examination delay as shown in the Notice of Allowance mailed June 25, 2004. The required fee under 37 C.F.R. § 1.18(e) and a statement of facts in support of this application are attached.

Please charge any additional fees or credit overpayment to deposit Account No. 19-0743.

Respectfully Submitted,

DENNIS A. CARSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6968

Date: Sept. 27, 2004 By: Monique M. Perdok Shonka
Monique M. Perdok Shonka
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Serial No.:	09/313,048	Group Art Unit:	1624
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**STATEMENT OF FACTS UNDER 37 C.F.R. § 1.705(b)(2) IN SUPPORT OF
APPLICATION FOR PATENT TERM ADJUSTMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following is a statement of the facts in support of the application for patent term adjustment.

Applicants have calculated the correct patent term adjustment as **521 days**, which was calculated as follows:

Applicants filing date is October 16, 2000, the date of filing of the Continuing Prosecution Application (CPA). Fourteen months from this filing date is December 16, 2001.

The first Office action was mailed on July 2, 2003.

The difference between July 2, 2003 and the day after fourteen months from the filing date (December 17, 2001) is 562 days. PAIR indicates this number as 233 days, which apparently resulted from a miscalculation based on the date the file was reconstructed after being lost, as opposed to being based on the CPA filing date.

In addition there were two instances under 37 C.F.R. § 1.704 that would lead to a reduction of the 562 day figure calculated above by 41 days::

1. Applicants requested and were granted an extension of time to reply to the first Office action. This was mailed together with their response on November 3, 2003 with a certificate of mailing under 37 C.F.R. § 1.8. The petition and response were received by the PTO on November 7, 2003. The difference between November 7, 2003 and three months from July 2, 2003 is 36 days.

2. On April 14, 2004, Applicants mailed an amendment to the final rejection mailed January 14, 2004. This amendment was received by the PTO on April 19, 2004. The difference between April 19, 2004 and three months from January 14, 2004 is 5 days.

The patent issuing on this application is not subject to a terminal disclaimer.

Respectfully Submitted

DENNIS A. CARSON ET AL.

By their Representatives,

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